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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000638

SIPDIS

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TAGS: PHUM ASEC EINV CASC PGOV KCRM KDEM KJUS AM
SUBJECT: SERIES OF VIOLENT INCIDENTS SPOTLIGHTS STRAINS ON PROPERTY RIGHTS

Classified By: CDA Joseph Pennington, reasons 1.4 (b,d)

¶1. (C) SUMMARY: Separate incidents of serious violence -- one fatal -- July 14 and 16 related to property disputes over Yerevan apartments which had been sold. In both cases, the former owners of the properties sought to intimidate the new owners into giving back apartments they had rightfully purchased. Although these are extreme cases, they highlight several issues: weaknesses in the state's system for protecting private property rights, the fact that Soviet-era property owners have difficulty reconciling themselves to the idea that, once sold, property is no longer theirs, and that personal relationships with the Prosecution Service can go far in shielding a criminal from prosecution. END SUMMARY.

THE FIRST CASE: TUMANIAN/BEZHANIAN

¶2. (C) On July 14, 70 year-old Norayr Tumanian, armed with a knife and a hammer, forced entry into an apartment in the Ajapnyak district in Yerevan and gravely injured the tenants, Gayane Bezhanian (25) and Roman Bezhanian (24). Tumanian then perched on the seventh-floor window ledge above the street, threatening to jump, before police eventually entered the apartment and seized him. Doctors managed to save Roman Bezhanian's life, but Gayane Bezhanian died at the scene. Tumanian is reportedly now in custody awaiting trial. (NOTE: This case first came to our attention from Heritage Party MP Stepan Safarian, whose sister owns the apartment, and who is a longtime, close friend of the Bezhanian family. Safarian was deeply shaken by the incident, which appears to have no partisan political overtones. END NOTE)

¶3. (C) Tumanian's son had previously owned the apartment, but had lost it five years ago in a bankruptcy court-ordered auction to pay off outstanding debts. The apartment was sold by the court to Stepan Safarian's sister and brother-in-law. Norayr Tumanian continued throughout the last five years to question and challenge the court action, insisting that his family retained rightful ownership. Safarian told poloffs that, in the face of Tumanian's continuing threats and harassment, his sister and brother-in-law had appealed to police for protection, and at one point had petitioned the court to annul the auction so that they could return the apartment and get their money back. The court refused. Police were relatively unresponsive, except to suggest to the family that they would be well advised to simply return the property to Tumanian, since Tumanian would never cease hounding them, and he had powerful patronage from the Prosecutor General, according to Safarian's account.

¶4. (C) Stepan Safarian further commented that Norayr Tumanian, who hails from the town of Aparan, has long enjoyed the protection and support of the Prosecutor General personally and the PG's "Aparan clan." Safarian alleged several cases in which Tumanian avoided the consequences of previous serious crimes because the PG had arranged for charges to be dropped. For instance, Tumanian had beaten up

men from whom his son had borrowed money, pressuring them to forgive the debt. Tumanian once hit a policeman with a hammer during a scuffle over the apartment dispute. He once tried to set fire to the apartment, and several times was caught attempting to break into the premises. (NOTE: The so-called "Aparan clan" is a political/economic old-boy club of transplanted former Aparaners who have relocated and become a political machine in Yerevan. The Aparan clan's home base in Yerevan is centered in the Ajapnyak district, where the PG's brother heads the local administration. END NOTE)

¶ 15. (C) On July 30, the state-run Public TV broadcast a 7-minute-long news report about Tumanian's attack on the Bezhaniants. The report portrayed Tumanian sympathetically as a victim, since his apartment was "illegally taken from him and he lost his sanity as a result.⁸ Safarian believes this is a signal that the PG will make sure that Tumanian will be cleared of guilt in the deadly attack.

THE SECOND CASE: BAGHDASARIAN/GHARIBIAN

¶ 16. (U) On July 18 the "A1 Plus" online news service carried the story of Shavarsh Gharibian, who claimed that an aide to Deputy Prosecutor General Mher Baghdasarian had lured him to a villa outside Yerevan on July 16 and kept him there chained to a chair overnight with the help of two accomplices. Gharibian said that the men beat and intimidated him for hours trying to force him to relinquish ownership of an apartment which his father purchased from another person in ¶ 2005. Baghdasarian, who had owned the apartment in the past,

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had unsuccessfully challenged the legality of the deal in court, demanding that the property be returned to him.

¶ 17. (U) Gharibian told the press that the kidnappers forced him to sign a false statement saying that Baghdasarian paid him USD 135,000 for the apartment and to telephone Gharibian's father under duress to quickly formalize the deal through a notary's office. He said that after his father refused to do that they drove him out of the villa and tried to kill him on a roadside 30 kilometers north of Yerevan, but fled the scene in Gharibian's car after attracting the attention of other people driving by.

¶ 18. (U) Gharibian went to police on July 17, but reportedly decided to publicize his case in the belief that police were in no rush to track the kidnappers, now at large. Only opposition media outlets initially picked up the story, but after the Prosecutor General's office released a press statement on July 21, official news sources began to report on the case as well. According to the statement, Baghdasarian was dismissed from the Prosecutor's office on July 17 on the basis of Gharibian's allegations and is facing charges of kidnapping, extortion and armed assault. The statement said that the law-enforcement bodies are taking all the necessary measures to capture the fugitives.

PENDING AMCIT PROPERTY DISPUTES

¶ 19. (SBU) While the cases cited above are extreme and do not involve U.S. citizens, Post's consular and political/economic sections have tracked some half-dozen property dispute cases involving U.S. citizens over the past two years. To date none has been resolved, as cases drag on interminably through the courts. Our assistance to U.S. citizens depends on case specifics, but has included formally documenting the USG's interest in assuring U.S. citizens receive equitable treatment under Armenian law and even attending court hearings, as appropriate, to visibly demonstrate the USG's interest in expeditious and legal resolution of these disputes. The cases are usually brought to Post's attention through personal visits to the embassy by the U.S. citizens

involved, or by sporadic or last-minute requests for Embassy intervention or clarification of Armenian law. Property disputes most commonly have involved investments by Armenian-Americans in businesses, commercial or residential real estate, or inheritance or restitution claims. Post advises U.S. citizens to seek resolution of their dispute in the framework of the Armenian legal system, as imperfect as it may be.

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